

Firstly, reconsideration and withdrawal of the restriction requirement is requested with respect to Examiners Species Group 1 and Species Group II. As originally claimed in claims 1 and 28, the fluid comprises an additive fluid, a capping fluid and additives, which is at least a corrosion inhibitor. In other words, the fluid will contain an additive fluid, a capping fluid and a corrosion inhibitor regardless any other additives which may be added and which are the subject of dependant claims. Thus, Applicant believes that a search directed to the composition as claimed in claim 1 and claim 28 and which Examiner has indicated are related and not distinct from one another must necessarily include a search for capping fluids and corrosion inhibitors and therefore restriction to exclude one of either capping fluid or corrosion inhibitors would be improper.

Accordingly, Examiner's basis for holding the subject matter of Examiner's Species Groups I and II is, with all due respect, unfounded and withdrawal of the restriction requirement between at least the subject matter of the Examiner's Species Groups I and II is requested. Applicant believes that withdrawal of the restriction with respect to Species Groups I and II would add claims 5, 13, 14, 32 and 33 to those claims which are to be forwarded for prosecution.

Secondly, reconsideration and withdrawal of the restriction requirement is requested with respect to Examiners Invention Groups 1 and III. Applicant submits that whether the kit comprises two separate fluids (claims 51-53) or is provided as a single fluid (claims 54-56), the constituents of the kit are the same and not distinct from those claimed in Group I and therefore a search directed to the claims of Group III would necessarily be essentially the same as a search for the claims of Group I. Moreover, the modes of operation, functions and effect of the subject matter of Examiner's Groups I and III are the same, the fluid resulting from the kit being the same as the composition claimed in Group I and the use in treating a wellbore being the same, regardless the nature of the wellbore or the operation being performed on the wellbore at the time the constituents of the kit, and therefore the composition, is introduced thereto.

Accordingly, Examiner's basis for holding the subject matter of Examiner's Invention Groups I and III is, with all due respect, unfounded and withdrawal of the restriction requirement between at least the subject matter of the Examiner's Invention Groups I and III is requested. Applicant believes that withdrawal of the restriction with respect to Invention Groups I and III and considering the Species election made, would add claims 51, 53, 54 and 56 to those claims which are to be forwarded for prosecution.

Further, Applicant believes that the methods claimed in Examiner-identified Invention Group II specifically identify and require the composition as claimed in Invention Groups I and III and therefore, if claims related to the subject matter of Invention Group I or Group III are found to be patentable, Applicant respectfully requests rejoinder of the claims of Group II.

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Applicant believes, according to MPEP 821.01 that should the subject matter of a generic claim be found to be allowable, notification and a suitable response time will be provided in which Applicant may conform the claims of the non-elected species to fully embrace the allowed generic claim as provided in MPEP 809.02(c).

Further, should the election requirement be maintained, Applicant respectfully requests rejoinder of the claims of the non-elected subject matter in the event that claims to the subject matter of the elected claims be found patentable, as outlined in MPEP 821.04.

Respectfully submitted,

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